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TOOK WIDE RANGE

Argument in Case of E. H. Harriman

PETITION OF COMMISSION

To Compel Railroad Magnate To Answer Questions

Powers and Privileges of Interstate Commerce Commission Thoroughly Gone Into—Many Pointed Questions Asked Attorneys by the Judge—Will Render Decision December 1st.

New York, November 13.—After seven hours and a half of argument on both sides of the question, Judge Hough, in the United States circuit court announced tonight that he would not be ready to render a decision on the petition of the interstate commerce commission to compel E. H. Harriman to answer certain questions propounded to him last spring in the course of the commission's investigation into the so-called Harriman lines, until December 1st.

The arguments which were not concluded until 6.30 p. m., took a wide range and the privileges and powers of the interstate commerce commission were thoroughly gone into. Former Senator John C. Spooner, Wisconsin, appeared for the first time in the case and argued in defense of the position maintained by Mr. Harriman—that he is not required to tell the commission what individual profit he made in selling the stocks of other railroads held by him to the Union Pacific company or to detail the manner in which the famous 10 per cent. Union Pacific dividend was declared in August, 1905, and its announcement deferred for two days. Mr. Harriman has also declined to say how much stock of the Union Pacific he if any, he bought just prior to the announcement of the dividend.

Judge Hough was also heard in opposition to the petition filed by the commission. On behalf of the government, represented by the interstate commerce commission, the arguments were conducted by United States Attorneys L. Stimson and Frank B. Kellogg, special counsel for the commission.

Counsel for Mr. Harriman stated to Judge Hough that the stock purchases of the Union Pacific railroad amounting to \$150,000,000 during one period and about \$182,000,000 in the aggregate were made on the recommendation of the executive committee, approved by the board of directors and ratified by the stockholders. All that Mr. Harriman had done, Mr. Milburn declared, had met with the best approval of the stockholders of the Union Pacific company.

Mr. Kellogg, in reply to this, stated that the so-called market value of the stocks sold to the Union Pacific was nothing more or less than a Wall street quotation, probably fixed by the very pool of men whom it is claimed were behind the stock deals. As to the impairment of the usefulness of the railroads, Mr. Kellogg asserted that the roads of inflated values were today unable to borrow money to build the cars needed by them to carry out their obligations to the public.

"The same thing is true of the roads without inflated values," retorted Mr. Milburn, declaring that the stock deals between Mr. Harriman and the Union Pacific were matters of concern only between the individual and the stockholders and had nothing to do with interstate commerce. Mr. Kellogg declared the commission had a right to inquire into the uses to which the moneys of a railroad were put.

Judge Hough interrupted the attorneys on both sides with many pointed questions. He asked, if after all the commission was only seeking by the answers given to prove the purchase of the stock subsequently sold to the company of which he is president and what profit he individually made by the transaction.

Mr. Kellogg said the commission sought to get at the bona fide facts of the stock deals. In general, he declared, the commission was making an inquiry which involved the question of whether or not the great western territory of the United States shall be dependent upon one man for its development—whether or not there shall be railroad competition between the Missouri river and the South Pacific coast.

the words "In God We Trust," President Roosevelt has written a letter which he today made public. The letter follows:

"When the question of the new coinage came up we looked into the law and found there was no warrant therein for putting 'In God We Trust' on the coins. As the custom, although without legal warrant, had grown up, however, I might have felt at liberty to keep the inscription had I approved of its being on the coinage. But as I did not approve of it, I did not direct that it should again be put on. Of course the matter of the law is absolutely in the hands of congress and any direction of congress in the matter will be immediately obeyed."

"At present, as I have said, there is no warrant in law for the inscription. My own feeling in the matter is due to my firm conviction that to put such a motto on coins, or to use it in any kindred manner, not only does no good but does positive harm, and is in effect irreverence, which comes dangerously close to sacrilege. A beautiful sentence such as the one in question should be related and uttered only with that fine reverence necessarily implies a certain exaltation of spirit. Any use which tends to cheapen it and above all any use which tends to secure its being treated in a spirit of levity is from every standpoint profoundly to be regretted. It is a motto which it is proper indeed to have inscribed on our national monuments, in our temples of justice, in our legislative halls and in buildings such as those at West Point and Annapolis, in short, wherever it will tend to arouse and inspire a lofty emotion in those who look thereon. But it seems to me eminently unwise to cheapen such a motto by use on coins, just as it would be to cheapen it by use on postage stamps, or in advertisements."

"As regards its use on the coinage we have actual experience by which to go. In all my life I never have heard any human being speak reverently of this motto on the coins or show any signs of its having appealed to any high emotion in him, but I have literally hundreds of times, heard it used as an occasion of and incentive to the sneering ridicule which it is above all things undesirable that so beautiful and exalted a phrase should excite. For example, throughout the long contest extending over several decades on the free coinage question the existence of this motto was a constant source of jest and ridicule; and this was unavoidable. Every one must remember the innumerable cartoons and articles based on phrases like 'In God We Trust for the Eight Cents'; 'In God We Trust for the Thirty-seven Cents We do not Pay'; and so forth and so forth. Surely I am well within the bounds when I say that a use of the phrase which invites constant levity of this type is most undesirable. If congress alters the law and directs me to replace on the coins the sentence in question, the direction will be immediately put into effect; but I very earnestly trust that the religious sentiment of the country, the spirit of reverence in the country, will prevent any such action being taken."

NATIONAL TA CONFERENCE

One of Leading Papers Read by Prof. Charles Lee Draper of University North Carolina.

Columbus, O., Nov. 13.—A spirited discussion of income and inheritance taxes enlivened the sessions of the National Tax Conference today. The leading papers in this connection were read this afternoon by Prof. C. L. Raper, of the university of North Carolina, who urged that the state abandon the general property tax for a tax on incomes, and by Prof. Charles J. Bullock, of Harvard University, who opposes the inheritance tax as a federal instrument for reducing swollen fortunes and declared that it should be left to the state as a source of revenue.

The committee on recommendations today appointed a sub-committee to draft resolutions. Lawson Purdy, of New York is chairman of the sub-committee.

Speakers at tonight's session were C. B. Fillebrown, president of the Massachusetts single tax league, Prof. H. J. Davenport, of the University of Chicago, Prof. Lindsey M. Keasby of the university of Texas, Prof. W. G. Langworth Taylor, of the university of Nebraska, Frank G. Pierce, secretary of the Iowa league of municipalities, and Prof. James L. Rossig, of the university of Denver.

Robbed Fruit Peddler

Chicago, November 13.—The police today arrested Rosalie Moguero and her companion Antonio Braze who were wanted in Schenectady, N. Y., on the charge of robbing a fruit peddler of \$500. They had with them three children, all under three years of age, and \$1,245 in currency was found sewed in the clothing of one of the children. The couple will be held pending further advice from Schenectady.

DAUGHTERS OF CONFEDERACY

Fourteenth Annual Session Begins at Norfolk

Several Hundred Delegates in Attendance—Addresses of Welcome and Response—Reports of Officers Taken up—Reception the Afternoon Feature.

Norfolk, Va., November 13.—The fourteenth annual convention of the United Daughters of the Confederacy began here today for a session of four days with an attendance of several hundred delegates including representatives from every state that formed the confederacy and many from other states, north, east and west. The convention was called to order in the auditorium on the Jamestown exposition grounds by the president general, Mrs. Lizzie George Anderson, of Gulfport, Miss., who made the response in the name of the convention to addresses of welcome by President Tucker in behalf of the management of the Jamestown exposition; Rear Admiral Harrington, U. S. N., Mrs. James Y. Leigh, of Norfolk, president of the hostess chapter, and Mrs. William R. McKenney, of Petersburg, president of the Virginia division, United Daughters of the Confederacy. The reports of the officers were then taken up. The afternoon feature was a reception at Beauvoir, a replica of the Mississippi home of Jefferson Davis erected on the exposition grounds by the Daughters of the Confederacy.

Among the most important matters to be considered at the present session is a revision of the constitution and by-laws, with a change in the time of holding the annual meeting from November to October.

PLEA WILL BE INSANITY

Trial of Mrs. A. M. Bradley Begins. Charged With Murdering Former U. S. Senator Brown.

Washington, November 13.—The first day of the trial of Mrs. Annie M. Bradley, on the charge of murdering former United States Senator Brown of Utah, was consumed entirely in an effort to obtain a jury. When at 4 o'clock the court adjourned for the day that preliminary work was still incomplete, notwithstanding 61 men had been examined as to their competency to sit in case. The day was without special incident, but the questions put by the attorneys for the prosecution and the defense served to define to some extent the lines which will be followed by both sides of the case. It was made evident that the attorneys for Mrs. Bradley will depend upon the plea of insanity as their only professed defense. If there was any confidence in the plea of justification it was not expressed.

On the other hand the prosecution manifested apprehension that the jury would be inclined to consider the case under the unwritten law and to shield the defendant from possible capital punishment on account of her sex, and the government spared no pains to procure assurance that there were no lurking conviction in the minds of jurors which would stand in the way of awarding punishment in accordance with the testimony on those accounts. Many jurors were excused because they were opposed to capital punishment for women.

Mrs. Bradley was accompanied to the court room by her mother, Mrs. Madison, who remained during the forenoon session.

During the early hours of the day Mrs. Bradley appeared nervous and affected by all the references to the tragedy but later regained her composure. The court room was crowded, many of the spectators being women.

CRITICISES CONGREGATION

Bishop Rebukes Them for Lack of Public Spirit and Small Contribution.

Detroit, Mich., Nov. 13.—Bishop Chas. D. Williams of the Protestant Episcopal diocese of Michigan today in his annual address to the diocesan convention criticised the Episcopalians in his diocese for lack of public spirit and small contributions to the churches in the diocesan work. He had previously urged the erection of a cathedral and a church hospital in Detroit.

"There is plenty of money to spend on personal enjoyment," said he. "I have preached many a sermon to an elegantly dressed congregation and then received as an offering for my emergency fund an average of three cents per head. That is the established average of these offerings throughout the diocese. This is not due to stinginess. It is lack of public spirit. The Episcopal church boasts of its strength and compactness, of its organization, but it sometimes seems to me that it is more congregational than the Congregationalists themselves."

RESCUED FROM LIVING TOMB

Miner Has Miraculous Escape From Death

Was Imprisoned for 37 Hours Under His Own Home—Caught in Cave-in in Coal Mine—Thought He Had Been Imprisoned for a Week.

Pottsville, Pa., November 13.—Imprisoned for 37 hours several hundred feet beneath the surface of the earth almost directly under his own home where his wife and children mourned for him as dead, Michael McCabe of Gilberton, was today taken from his tomb in the Draper mine barely alive, after one of the most marvelous rescues in the history of anthracite mining. Since Saturday afternoon, when the top of the chamber in which he was working caved in and caused a rush of culm and water from the surface, relays of workmen toiled unceasingly to reach him.

Shortly after midnight the rescuers heard a scratching noise which told them that McCabe was living and worked with renewed vigor, and at 5 o'clock this morning he was reached. He had not changed his position from the time the rush occurred, as he feared that by moving about another rush of culm might start which would end his life. When rescued he said he thought he had been imprisoned for at least a week and was so weak for want of water and food that he could scarcely speak.

He was removed to his home, where the house of mourning was changed to one of rejoicing.

Arrangements were made last night to bore a hole in the hope of reaching the entombed miner and supplying him with water and food until his rescue could be made in case he still lived.

SUPREME COURT OPINIONS

Commercial Club of Maxton Chartered—Convict Escapes.

(Special to The Messenger.)

Raleigh, N. C., November 13.—The Commercial Club of Maxton, is chartered to promote the material and business interest of the town and social intercourse among men, incorporated, F. L. Black.

Henry Johnson, mulatto, sentenced to state's prison from Sampson county last month, for seven years for house-breaking and larceny, escaped from the state farm. A reward of \$25 and all necessary expenses is offered for his recapture.

The following supreme court opinions were filed today:

Morrow vs. Railroad, no error; Geringer vs. Railroad, from Guilford, no error; Eames vs. Armstrong, from Rowan, no error; Baldwins Will case, from Montgomery, no error; Lentz vs. Hinson, from Stanly, no error; McCollum vs. Chisholm, from Montgomery, no error; Ayden vs. Doub, from Forsyth, no error; Logan vs. Hodges, from Yadkin, new trial awarded.

MAY BE POSTPONED

Attorneys Hold Long Conference on the Thaw Case

New York, Nov. 13.—District Attorney William Travers Jerome and Martin W. Littleton, leading counsel for Harry K. Thaw held a long conference on the Thaw case today. While neither party to the conference would discuss the matter, it is believed that the evidence taken before the board of lunacy commissioners, which examined Thaw as to his sanity during the first trial would be opened for the benefit of both sides. The evidence was ordered sealed and has never been seen by either side. It is said that the attorneys will join in a motion that it now be opened.

The case is set for December 2 but it is believed possible that it will be postponed for a month or more.

STEAM VS. ELECTRICITY

Experiment Made by Officials of Pennsylvania Railroad.

Clayton, N. J., Nov. 13.—One of the big Pennsylvania railroad locomotives today developed a speed of 89.4 miles an hour over a seven miles stretch of track, defeating one of the immense ninety-five ton electric engines which has been giving speed trials on the specially built track near this place, by 20 miles to the hour. One of the gigantic electric engines was first given a trial and ran the distance at the rate of 69 miles an hour. The big steam locomotive was then brought on the track and when it had disappeared in the dust and steam the electric indicator in the station here spun around until the needle indicated a speed of 89.4.

The track on which the trials are made is equipped with a device that not only registers the speed of engines, but the force of the impact of the wheels upon the rails.

TO REMEDY EVILS

Governor Hughes Asks Co-operation of Banking and Trust Officials.

Albany, N. Y., Nov. 13.—Governor Hughes tonight gave out a letter in which he requests that A. B. Hepburn, Edwin S. Marsten, Edward W. Sledon, Algenon S. Frissell, Stephen Baker and Andrew Mills, all banking or trust company officials of New York shall act as a committee for the purpose of collecting facts, receiving suggestions and expressing their views with reference to changes deemed advisable in the laws of the state relating to incorporation, conduct of business and supervision of banks and trust companies.

The governor asks that this committee undertake this work solely as a matter of public service without provision for compensation or indemnity for expense and says he will be glad to receive its report on or before December 15, 1907. It is believed that all the men named will serve.

SHOCK FELT FORTY MILES

Nitro-Glycerine Factory Blows up. With Terrible Force.

Bradnor, O., November 13.—The Hercules nitro-glycerine factory, a mile and a half from this city, blew up with terrific force today. Only three employees were in the neighborhood when the explosion occurred. W. C. Chrow was burned to death, John Washburn was blown to fragments, and Henry Eastern, superintendent of the factory, was probably fatally injured.

A residence near the scene of the accident, was completely demolished. Nothing remains of the factory. A huge pit in the earth shows where it was located. In Bradnor no great damage was done except to windows and mirrors, which were shattered by the hundreds.

Chrow was injured by the explosion and fell among the debris which caught fire, burning him to death.

The shock of the explosion was felt at Upper Sandusky, and at other towns forty miles away.

CORTELYOU MAKES DENIAL

Says it is No Time to Deal in Rumors

New York, November 13.—Secretary of the Treasury George B. Cortelyou arrived in town tonight and at once set at rest the Wall street rumor that he had decided presently to call upon the national banks of the country for 10 per cent. of their government deposits.

"Of course," said the secretary, "I have done nothing of the sort."

Then he added: "This is no time to deal in rumors, especially as to the actions of the secretary of the treasury."

Secretary Cortelyou is here to address the Merchants Association at the annual meeting of that body tomorrow. It is expected that he will then have something to say on the financial situation. Tonight he would not be quoted. The secretary has no appointments here with bankers or other financial men and plans to return to Washington following the merchants meeting tomorrow.

REDUCED PRICES

Independent Compress Companies Action Was Taken to Force Then Out of Business.

Atlanta, Ga., Nov. 13.—Charging that the Atlantic Compress company owned by a number of railroads in Georgia and operating several presses, has reduced the price of compressing from ten and twelve cents a hundred pounds to six and a half and seven cents to force the independent presses out of business, the independent compresses of the state have filed a petition with the railroad commission asking that the railroads be ordered to restore the old rates.

The petition alleges that the Atlantic company continues to get the high rate the sum above six cents being paid in the nature of "extras" The commission named December 12 for a public hearing.

MUST PAY CASH

Firms Notified That Checks Will Not be Received for Revenue Stamps.

Patterson, N. J., Nov. 13.—Deputy Internal Revenue Collector James M. Fortune today notified every person or firm who pays a revenue tax of any kind in this county that hereafter he will not receive checks for revenue stamps.

The reason for this action is that the First and Second National banks of this city, which are government depositories, have notified the collector that they will not receive any more checks from him that all deposits must be in either legal tender notes or gold coin, those banks having received word from the sub-treasury in New York that cashier's checks, which they have been receiving will no longer be acceptable.

WILL MEET ISSUE

Federation Prepares for Conflict With Manufacturers

RESOLUTION WAS ADOPTED

Providing For a Campaign of Education

Asserts That Fight Now Being Waged is Attempt to Breat up Labor Organizations—Congress Called Upon to Exclude Japanese From the United States and Insular Possessions.

Norfolk, November 13.—The appeal of the brewery workers union to the American Federation of Labor from the action of the latter's executive council in revoking the brewery workers' charter because of their refusal to relinquish jurisdiction over affiliated brewery engineers, firemen, and teamsters, came before the national body in convention here upon a resolution of Victor L. Berger, of Milwaukee, the socialistic leader representing the Wisconsin Federation of Labor. This resolution calls for the return of the revoked charter on the ground that the action of revocation is a policy of coercion and further because the brewery workers have always been one of the most loyal of the international unions. The international engineers, firemen and teamsters, all strong factors in the federation, will make a strong effort to have confirmed the action of the executive council which the latter, in reporting the revocation of the brewery workers charter, said became mandatory in view of the action of the Minneapolis convention in 1906.

The fight between the federation and the Manufacturers Association, growing out of the suit brought in the district of Columbia by James W. VanCleave, president of that association, for the anti-boycott injunction desired by a St. Louis stove manufacturing concern, came to an issue before the convention when the body received and referred to a special committee of fifteen, resolutions setting forth the fight that is now being waged by the manufacturers association "in an attempt to disrupt the labor organizations of the country", and providing for a "campaign of education" against VanCleave and his interests through all central bodies with the American Federation of Labor and its commissioned organizers, who are directed to make such expenditures as may be necessary to effectually carry on the work.

Resolutions were introduced as follows:

Calling for federal aid to prevent the United States and Canadian lumber trust reciprocity because of disastrous results from competition between white and Asiatic labor.

Calling upon congress to exclude Japanese laborers not only from the United States, but from all its insular possessions.

Calling for federal aid to permanently prevent the enforcement of the freight rates on forests products contemplated by the Hill and Harriman railroads.

Calling for the return of the cement workers charters.

Endorsing the blue cross button as a permanent emblem of labor.

Calling upon congress to provide an annual "peace budget," with an appropriation of at least \$1 for every \$1,000 appropriated for military purposes, the fund to be used in promoting friendly feeling and an exchange of courtesies and information with foreign powers with whom there may be danger of a misunderstanding.

Calling upon the convention jurisdictional disputes between bona fide organizations to return to advisory policies leaving final action to contending unions without effect upon their eligibility for affiliation with this organization.

An appeal to the federation from trades unions of Colorado for financial aid against war by capital.

The governor of Florida and others have invited the federation to meet in Tampa in 1908.

Montgomery, Ala., November 13.—Securing the necessary two-thirds vote of the members present the house of representatives today passed the statutory prohibition bill introduced by Speaker Carmichael, by a vote of 23 to 25. Hundreds of women spent the entire day at the capitol. The bill prohibits the sale or giving away of intoxicating liquors after October 1, 1908.